

# AB 755 – Action Alert

Jointly Issued by Child and Family Protection Association and HSLDA – **UPDATED April 24, 2007**

**AB 755 – Prohibition of Spanking** (as amended in the California Assembly Public Safety Committee, April 2007)

**Position: Strongly OPPOSE**

**Status:** Passed Assembly Public Safety Committee. Before becoming law, AB 755 will have to pass out of a fiscal committee and then be voted on by the whole California Assembly before going over to the Senate -- and if passing there -- would then go to the Governor for approval or veto.

## Summary of Concerns:

AB 755 would, in its practical effect, make a non-injurious spanking with an object such as a ruler, folded newspaper, paddle, etc. illegal. After being arrested, charged, and tried in a criminal court, good, loving, responsible parents could receive up to one year in jail and lose custody of their children.

## Action Item:

**WRITE and Call your Assemblymember and the Governor as soon as possible. Ask them,**

“Please vote No on AB 755 (by Lieber). AB 755 has not been fixed. It would cause parents who use a small paddle or similar object, when lovingly spanking their child, to be arrested and prosecuted in a criminal trial. AB 755 is unnecessary. Children are already protected from all forms of true child abuse in current law.”

Refer to the *General Instructions for Contacting State Legislators and the Governor* on page 2.

### **Notes:**

- \* **Write as a concerned citizen.** This bill affects all families.
- \* **Do not disclose the source of this Alert.** All bills are available on the internet.
- \* Because e-mails are usually ignored, letters and calls are significantly more effective.
- \* Reprint or forward this to your friends, church, school, and group.
- \* Pray for a proper outcome.

## Background:

Assembly Member Sally Lieber’s first proposal to address all spanking of children ages three and under was never introduced as a bill, due to much opposition. This current April amended version of AB 755 retains the dangerous wording of the seven actions items as contained in the introduced version of the bill. This current version of AB 755 removed the “rebuttable presumption”, but replaces it with mandated instructions to be given to the jury in a criminal trial of parents accused of spanking. Contrary to continued claims originating from her office, (1) she has not “fixed” her no-spank proposal; she has only adopted now a third different strategy; (2) AB 755 is an anti-spanking bill “in disguise” and would have the effect of abolishing most spanking without using language directly outlawing spanking; (3) Lieber believes that all “good parents” never spank their children; that only “bad parents” do, and therefore “good parents” do not need to be worried about her bill; and (4) Lieber believes that all spanking, by definition, is child abuse. She has deliberately failed to make any distinction between spanking as a method of discipline and true child abuse.

AB 755 would amend Penal Code 273a, which currently makes it a crime to cause unjustifiable pain, harm, or injury to any minor child. The instructions to a jury which are mandated by the current version of AB 755 would state that a jury may consider that physical pain or mental suffering inflicted upon a child is unjustifiable if it is caused by any of the seven kinds of actions, which are also listed in AB 755. The first of the seven actions listed is: “the use of an implement, including, but not limited to, a stick, a rod, a switch, an electrical cord, an extension cord, a belt, a broom, or a shoe.” This first action includes the act of spanking with an object other than using one’s hand. Because these items would be listed in the Penal Code, the police and District Attorney would likely consider all spanking with an implement to be grounds to bring charges against the parents. Then a criminal court trial would determine if the parents are guilty of criminal child abuse. Parents would have the difficult task of proving that the spanking was justifiable to the satisfaction of the court in a criminal trial in order to avoid being sent to jail for up to one year or receiving other penalties. The case also could be referred to Child Protective Services (CPS) and Juvenile Court, which could result in the possible temporary or permanent loss of custody of their children.

## Opposition Points to Share with Legislators:

When writing a letter or fax, first use the language from our suggested script in the above *Action Item* section and then pick and choose any wording from the 5 points below to also include. If time permits, consider using some of your own wording.

- 1. AB 755 would hurt the very children that this bill is supposed to help, especially if their parents have lower incomes or they have only one parent.** When you hurt the child's primary caregiver, you hurt the child. There will be a great amount of stress, grief, and hardship resulting from an arrest, trial, expenses for a good defense, time lost at work, threat of job loss, difficulty of getting a new job because of having a criminal record, separating the child from parents, fines, jail time, class time. The trauma and stigma of a child's parent(s) going through a criminal trial will just add to their troubles. This whole experience could be an unbearable stress.
- 2. There is no objective research that links bad outcomes for children who have been spanked by their parents.**<sup>1</sup> The best credible research has shown that non-abusive spanking when used to back up other disciplinary methods has been effective in curbing antisocial behavior in children as they grow up.<sup>2</sup> Diana Baumrind, Ph.D., of the University of California found that children who are occasionally spanked score higher on measures of adjustment than children who have never been spanked.<sup>3</sup> According to Robert E. Larzelere, Ph.D., of Oklahoma State University, ten years after Sweden's ban on spanking was instituted, child abuse had increased instead of decreasing.<sup>4</sup>
- 3. AB 755 defies all common sense and history.** There is no state that forbids the use of an object for spanking by parents. This form of discipline, when reasonably administered, has been accepted by every generation of Californians and Americans. Criminalizing a significant portion of the populace by imposing the author's personal beliefs about discipline and spanking on the parents of California is a terrible and grave injustice. According to a national ABC News Opinion Poll, over one half of the persons interviewed believe that a reasonable spanking is appropriate as a method of child discipline and close to one half of parents with minor children at home spank their children.<sup>5</sup> A poll taken for CBS News on Jan. 18, 2007, found that 57% of California Bay Area adults would oppose legislation banning spanking.
- 4. If AB 755 becomes law, there will be a huge increase in the number of reports of child abuse and endangerment to law enforcement, child protective services, and then an increase in cases to be handled by D.A. offices, Criminal Courts, and Juvenile Courts. The flood of new cases resulting from AB 755 will be overwhelming for these agencies of the state, most of which are already overloaded with a backlog of serious crime and child abuse cases.**

\* Please see our updated "AB 755 Alert Supplement" for a more detailed explanation and additional opposition points. This Alert and our Supplement can be downloaded from [www.childandfamilyprotection.org](http://www.childandfamilyprotection.org).

**Footnotes:**

1. Larzelere, Robert E. and Kuhn, Brett R.; Comparing Child Outcomes of Physical Punishment and Alternative Disciplinary Tactics: A Meta-Analysis; *Clinical Child and Family Review*, Vol. 8, No. 1, March 2005; p. 2.
2. Larzelere, Robert E. and Kuhn, Brett R.; Comparing Child Outcomes of Physical Punishment and Alternative Disciplinary Tactics: A Meta-Analysis; *Clinical Child and Family Review*, Vol. 8, No. 1, March 2005; p. 26.
3. Baumrind, Diana; Respondent's Affidavit Brief; Canadian Foundation For Children, Youth and the Law vs. The Attorney General In Right of Canada; Superior Court of Justice, Ontario Court; May 3, 1999, para. 85, 87.
4. Larzelere, Robert E.; *Sweden's smacking ban: more harm than good*; Family First and The Christian Institute; England; 2004; p. 4.
5. ABCNEWS.com: Poll: Most Approve of Spanking Kids; [http://abcnews.go.com/sections/us/DailyNews/spanking\\_poll11021108.html](http://abcnews.go.com/sections/us/DailyNews/spanking_poll11021108.html); March 26, 2007.

General Instructions for Contacting State Legislators and the Governor

Legislative proposals, called bills, are public information and available by calling the Legislative Bill Room: (916) 445-2323. For the status of a bill, Call: Senate bills - (916) 445-4251 and Assembly bills - (916) 319-2856. Also for bill information you can go to [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

The Capitol Switchboard at (916) 322-9900 can provide the phone number of any legislator or state official. Limit each call to only one issue or bill. You can also find the phone numbers and addresses of your state legislators and the Governor, and other contact information by entering your 9 digit ZIP code in HSLDA's Legislative Toolbox at [www.hsllda.org](http://www.hsllda.org). If you are unable to locate your legislator using the HSLDA web site, call your county elections or voter registration or registrar of voters office.

Address only one bill per letter (1 sheet of paper), but you can enclose several letters (each on a different bill) in a single envelope. Because e-mails are usually ignored, letters are significantly more effective.

• **WRITE:**

The Honorable (first & last name)  
(Assembly or Senate)  
State Capitol  
Sacramento, CA 95814

The Honorable Arnold Schwarzenegger  
Office of The Governor  
State Capitol  
Sacramento, CA 95814

Salutation: Dear Assemblymember (last name); or Dear Senator (last name); or Dear Governor Schwarzenegger  
"Please (support or oppose or for the Governor: sign or veto) (AB or SB) (list bill # here). (If able, give a brief reason, but not required). Thank you."

Sincerely,  
(Your Name) (Be sure to include your full address and print or type your first and last names.)

The Governor's office is (916) 445-2841 or fax him at (916) 445-4633

— We evaluate bills and proposals from a Biblical/Christian World View —